

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON AT SEATTLE

CITY OF SEATTLE,

Plaintiff,

v.

MONSANTO COMPANY, et al.,

Defendants.

No. 2:16-cv-00107-RSL

JOINT MOTION TO REVISE
SCHEDULING ORDER

Plaintiff, the City of Seattle, and Defendants, Monsanto Company et al. (collectively, the “Parties”) respectfully submit this joint motion to revise the scheduling order. The Parties are in agreement that litigation delays stemming from the COVID-19 pandemic and scheduling conflicts arising from an upcoming trial involving the same counsel in a related matter in state court in Oregon make necessary a revised schedule for the completion of fact and expert discovery, as well as the corresponding trial date. The Court last revised the scheduling order, based on the Parties’ joint request, on August 3, 2020.

The parties respectfully ask that the Court enter the below scheduling order.

Deadline	Current Schedule	Parties' Proposed Amended Schedule
Parties to complete document production in response to requests for production served as of March 19, 2021; amended pleadings filed	5/14/2021	6/14/2021
Fact witness and Rule 30(b)(6) depositions complete; Written discovery complete		8/12/2021
Reports from expert witnesses under FRCP 26(a)(2) due	6/18/2021	9/16/2021
Rebuttal expert witness reports due ¹		12/16/2021
Expert discovery completed by	9/3/2021	3/30/2022
Settlement conference held no later than	10/1/2021	4/15/2022
All dispositive motions must be filed by and noted on the motion calendar no later than the fourth Friday thereafter (see LCR 7(d)(3)). <i>Daubert</i> motions due (see LCR 16(b)(4)).	10/7/2021	4/22/2022
All motions in limine must be filed by and noted on the motion calendar no earlier than the second Friday thereafter. Replies will be accepted.	12/2/2021	6/3/2022
Deposition designations due.		6/3/2022
Objections to deposition designations and counter designations due		7/1/2022
Agreed pretrial order due; Pretrial conference to be scheduled by the Court	1/28/2022	7/29/2022
Trial briefs, proposed voir dire questions, proposed jury instructions, and trial exhibits due	2/11/2022	8/12/2022
Objections to trial exhibits due		8/19/2022
Trial Date (parties do not agree on the likely length of trial) Plaintiff's estimate: 3 weeks Defendants' estimate: 8-12 weeks	3/7/2022	9/12/2022 [based on Court's availability]

¹ The parties propose this delay in the otherwise expected exchange of expert reports because the same counsel and law firms representing Plaintiff here, and the same counsel and law firms representing Defendants here, also represent parties in a similar action that is set for trial in Multnomah County, Oregon from October 4 – November 12, 2021.

PRESENTED this 20th day of April 2021.

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By: s/ Daniel P. Mensher
By: s/ Elizabeth A. Leland
By: s/ Alison S. Gaffney
By: s/ Rachel E. Morowitz
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*Attorneys for Defendants Monsanto Company,
 Solutia Inc., and Pharmacia LLC*

[PROPOSED] ORDER

IT IS SO ORDERED. The Court enters the following scheduling order:

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DATED: April 21, 2021



Robert S. Lasnik
United States District Court Judge